

COHEN & GREEN

March 28, 2024

Hon. Valerie E. Caproni, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

By Electronic Filing.

Re: Thorn Lawless v. City of New York, et al., 23-cv-09106 (VEC)

Dear Judge Caproni:

My firm, with co-counsel, represents Plaintiff in the case above. I write, jointly with Defendants, to ask for extensions of a handful of deadlines because of counsel's other obligations and to provide time for the parties to cooperate on certain issues (described below).

Per the Court's rules, (1) the reason and (2) prior deadlines are below, (3) this is the first request for these extensions, except that the Court extended Plaintiff's time to file an amended Complaint once before (ECF No. 15), and (4) all parties consent.¹

The parties seek this extension for the following reasons. First, Defendants' counsel will be on trial in two other, unrelated, matters, *Rylawn Walker v. City of New York et al.*, 22-cv-05994, beginning on April 15, 2024 before the Honorable Frederic Block and *Garfield Williams v. City of New York et al.*, 20-cv-05995, beginning on May 14, 2024 before the Honorable Lorna G. Schofield. In light of those commitments, the parties believe the mediation will be much more productive if it is held later. Additionally, the parties have been working together to try to identify the John and Jane Doe Defendants — including review of body camera footage and Defendants' counsel speaking to individual Defendants and witnesses — and while the parties are optimistic identification will happen, they have not yet been successful, so Plaintiff cannot amend the Complaint to name those parties yet.

Finally, in light of the fact that Plaintiff intends to amend the complaint, the parties believe it would not be a good use of time for Defendants to answer the current complaint only to have to re-answer the complaint when amended. In order to accomplish this, the parties believe a *sine die* extension is appropriate, since the need to answer the current complaint will be moot once Plaintiff amends.

Accordingly, the parties ask the Court to grant extensions as follows:

¹ Because these dates do not involve an appearance or hearing, the parties believe alternative date requirement that is item (5) in the Court's Individual Practice 2(C) does not apply here.



- The deadline to complete mediation under Local Rule 83.1 from April 18, 2024 to June 28, 2024;
- The deadline for Plaintiff to amend the Complaint from March 29, 2024 to July 31, 2024;
- The deadline for Defendants to answer the First Amended Complaint (ECF No. 19) from March 15, 2024 *sine die*.

As always, the parties thank the Court for its time and consideration.

Respectfully submitted,

/s/

Elena L. Cohen

Honorific/Pronouns: Dr./Ms., she/her/hers

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